



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2209

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR CMW

11092654635



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: *NP* NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *JP* *W*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER
QUARTERLY REPORT (ELECTION SENSITIVE) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

Under the Administrative Fine Program, the October Quarterly Report is considered an election-sensitive filing for authorized committees supporting candidates involved in the general election as well as all unauthorized committees. For the committees listed on the attached RTB Circulation Report, the October Quarterly Report was an election-sensitive filing. The committees either filed the report more than five (5) days after the due date, failed to file the report or failed to file the report prior to four (4) days before the general election (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 C.F.R. 111.43, these committees should be assessed the civil money penalties included on the attached report.

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Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Federal Election Commission
Reason to Believe Circulation Report
2010 OCTOBER QUARTERLY Election Sensitive 10/15/2010 H_S_P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|---|--------------------|----------------------|-----------|----|--------------|-----------|-----------|-------------|
| 2197 | C00483495 | BOB TURNER FOR CONGRESS | TURNER, ROBERT L | KEVIN P. TURNER | \$863,690 | 0 | 10/22/2010 | 7 | \$219,685 | \$2,725 |
| 2198 | C00382275 | BUTLER SNOW POLITICAL ACTION COMMITTEE | | LUCIEN BOURGEOIS | \$148,869 | 0 | 10/25/2010 | 10 | \$19,693 | \$250 |
| 2200 | C00462929 | COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS | VEREEN, RODERICK D | CHUCK MOGBO | \$190,936 | 1 | 10/26/2010 | 11 | \$36,648 | \$756 |
| 2201 | C00355818 | COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS LOCAL 1 AFSA AFL-CIO | | ANITA GOMEZ-PALACIO | \$123,952 | 1 | 12/2/2010 | Not Filed | \$51,450 | \$4,125 |
| 2202 | C00442590 | EFFECTIVE LEADERSHIP PAC | | DENISE PETERSON | \$135,339 | 0 | | Not Filed | \$49,347 | \$1,400 |
| 2203 | C00426122 | EMPOWERING EACH COMMUNITY PAC | | THOMAS A. GENTILE | \$138,977 | 0 | 10/22/2010 | 7 | \$6,200 | \$180 |
| 2204 | C00426072 | GIANT EAGLE INC PAC | | MARK J. MINNAUGH | \$128,583 | 0 | 10/22/2010 | 7 | \$17,000 | \$220 |
| 2206 | C00015594 | LOUISVILLE & JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE | | COREY ALLEN KOELLNER | \$229,431 | 0 | 10/22/2010 | 7 | \$9,490 | \$180 |
| 2207 | C00421008 | METAL LATHERS LOCAL 46 PAC | | ROBERT LEDWITH | \$194,795 | 3 | 11/19/2010 | Not Filed | \$31,811 | \$2,450 |
| 2208 | C00254201 | NATIONAL ASSOCIATION OF MORTGAGE BROKERS | | ROY DELOACH | \$141,153 | 0 | 10/21/2010 | 6 | \$11,551 | \$210 |
| 2209 | C00464305 | TOWNE FOR CONGRESS | TOWNE, JAKE | JAKE TOWNE | \$100,782 | 0 | 10/22/2010 | 7 | \$30,435 | \$505 |
| 2210 | C00381699 | USINPAC | | MILES C. HOGE | \$159,433 | 0 | | Not Filed | \$39,857 | \$1,400 |
| 2211 | C00165365 | WACKENHUT CORPORATION POLITICAL ACTION COMM (WACKENHUT PAC) | | JEFF CAPPELLETTI | \$115,931 | 0 | 10/22/2010 | 7 | \$21,002 | \$220 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
October Quarterly Report (Election)
Sensitive) For the Administrative Fine)
Program:)

COMMITTEE TO ELECT RODERICK) AF# 2200
VEREEN FOR CONGRESS, and CHUCK)
MOGBO as treasurer;)
BUTLER SNOW POLITICAL ACTION) AF# 2198
COMMITTEE, and BOURGEOIS,)
LUCIEN MR. as treasurer;)
BOB TURNER FOR CONGRESS, and) AF# 2197
KEVIN P TURNER as treasurer;)
EMPOWERING EACH COMMUNITY) AF# 2203
PAC, and THOMAS A GENTILE as)
treasurer;)
GIANT EAGLE INC PAC, and MARK J) AF# 2204
MINNAUGH as treasurer;)
LOUISVILLE & JEFFERSON COUNTY) AF# 2206
REPUBLICAN EXECUTIVE)
COMMITTEE, and KOELLNER, COREY)
ALLEN MR. as treasurer;)
TOWNE FOR CONGRESS, and JAKE) AF# 2209
TOWNE as treasurer;)
WACKENHUT CORPORATION) AF# 2211
POLITICAL ACTION COMM)
(WACKENHUT PAC), and JEFF)
CAPPELLETTI as treasurer;)
NATIONAL ASSOCIATION OF) AF# 2208
MORTGAGE BROKERS, and ROY)
DELOACH as treasurer;)

COUNCIL OF SCHOOL SUPERVISORS) AF# 2201
AND ADMINISTRATORS LOCAL 1)
AFSA AFL-CIO, and GOMEZ- PALACIO,)
ANITA as treasurer;)

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| | | |
|------------------------------------|---|----------|
| EFFECTIVE LEADERSHIP PAC, and |) | AF# 2202 |
| DENISE PETERSON as treasurer; |) | |
| METAL LATHERS LOCAL 46 PAC, and |) | AF# 2207 |
| ROBERT LEDWITH as treasurer; |) | |
| USINPAC, and HOGE, MILES C. MR. as |) | AF# 2210 |
| treasurer; |) | |

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 October Quarterly Report (Election Sensitive) For the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 10, 2010, on the following committees:

AF#2200 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT RODERICK VEREEN FOR CONGRESS, and CHUCK MOGBO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2198 Decided by a vote of 6-0 to: (1) find reason to believe that BUTLER SNOW POLITICAL ACTION COMMITTEE, and BOURGEOIS, LUCIEN MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2197 Decided by a vote of 6-0 to: (1) find reason to believe that BOB TURNER FOR CONGRESS, and KEVIN P TURNER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2203 Decided by a vote of 6-0 to: (1) find reason to believe that EMPOWERING EACH COMMUNITY PAC, and THOMAS A GENTILE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2204 Decided by a vote of 6-0 to: (1) find reason to believe that GIANT EAGLE INC PAC, and MARK J MINNAUGH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2206 Decided by a vote of 6-0 to: (1) find reason to believe that LOUISVILLE & JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE, and KOELLNER, COREY ALLEN MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2209 Decided by a vote of 6-0 to: (1) find reason to believe that TOWNE FOR CONGRESS, and JAKE TOWNE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2211 Decided by a vote of 6-0 to: (1) find reason to believe that WACKENHUT CORPORATION POLITICAL ACTION COMM (WACKENHUT PAC), and JEFF CAPPELLETTI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2208 Decided by a vote of 6-0 to: (1) find reason to believe that NATIONAL ASSOCIATION OF MORTGAGE BROKERS, and ROY DELOACH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter.

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Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2201 Decided by a vote of 6-0 to: (1) find reason to believe that COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS LOCAL 1 AFSA AFL-CIO, and GOMEZ- PALACIO, ANITA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2202 Decided by a vote of 6-0 to: (1) find reason to believe that EFFECTIVE LEADERSHIP PAC, and DENISE PETERSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2207 Decided by a vote of 6-0 to: (1) find reason to believe that METAL LATHERS LOCAL 46 PAC, and ROBERT LEDWITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2210 Decided by a vote of 6-0 to: (1) find reason to believe that USINPAC, and HOGE, MILES C. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 17, 2010
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2010

Jake Towne, in official capacity as Treasurer
Towne for Congress
P.O. Box 22542
Lehigh Valley, PA 18002

C00464305
AF#: 2209

Dear Mr. Towne:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 22, 2010, 7 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Towne for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$505. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$505 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Election Sensitivity of Report: Election Sensitive
Level of Activity: \$30,435
Number of Days Late: 7
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

Attachment 4

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NW, Washington, DC 20463. Your response must be received within forty (40) ⁱⁿ days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(o).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Towne for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

Attachment 4

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If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Vice Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$505 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Towne for Congress

FEC ID#: C00464305

AF#: 2209

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$505

FEC OFFICE OF
ADMIN REVIEW

2011 JAN 19 A 10:24

RECEIVED

2011 JAN 13 PM 3:05

FEC MAIL CENTER

January 6, 2011

To:

Cynthia L. Bauerly
Vice Chair
Federal Election Commission
Office of Administrative Review
999 E Street, NW
Washington, DC 20463

From:

Jake Towne, treasurer and candidate
Towne for Congress
PO Box 22542
Lehigh Valley, PA 18002
No party affiliation

C00464305

Ref. AF#: 2209

Dear Ms. Bauerly -

I have received this morning (1/6/11) a letter delivered by UPS dated 12/21/2009 requesting a response by 1/24/11. While I am unsure why the letter was delivered late, I have endeavored to reply immediately to your letter concerning a violation per 2 USC 434 (a), namely that the October 15th quarterly report was filed late. Below is my challenge to this violation on the basis of correcting any factual errors, fully explaining my actions, and also demonstrating my best efforts to file in a timely fashion. In the event this appeal is denied by the FEC, I also have a query questioning the amount of the civil money penalty assessed of 505 USD as the calculation is not shown in the letter received from the FEC.

As a paper filer and also highly conscientious of all expenses, as treasurer I decided to file both the October Quarterly (close of books 9/30/2010, due 10/15/2010) and October Pre-Election (close of books 10/13/2010, due 10/21/2010) reports together on the earliest possible date, which was 10/14/2010. Per the online PDF's of both documents received by the FEC (URL below, attachments 1 and 2), they were received by the FEC Mail Center on Friday, October 22, 2010 at 7:23 AM.

Quarterly Page 1/48 <http://query.nictusa.com/pdf/059/10030472059/10030472059.pdf#navpanes=0>
Pre-Election Page 1/10 <http://query.nictusa.com/pdf/302/10030471302/10030471302.pdf#navpanes=0>

The FEC worksheet at the end of the online PDF's show that the forms were postmarked 10/14/2010 and sent USPS First Class, which concurs with my records and photograph I took of the package on 10/14/2010 (Attachments 3,4 and 5). I must remark here that during a phone call to the FEC at some point during 2009, I was verbally informed that having a postmark by the filing date was sufficient by itself to avoid filing late, as the USPS is a branch of the federal government just like the FEC. Therefore please understand that I was under the impression that I had given my best effort and filed both correctly and on-time.

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On October 26th in a conversation with the FEC regarding the 10/22/2010 FEC notice (attachment 6), I became aware that filing per the USPS should be done using either Certified or Registered mail if the postmark is to be accepted, but again I was under the impression on 10/14/2010 per a prior conversation with the FEC that what I had done was perfectly acceptable. If I had known otherwise, I would unquestionably have spent 2 USD more to sent registered or certified to avoid the civil money penalty, and likely would have sent the October Quarterly earlier and separately. However, as I mentioned above, to conserve both funds and paper, I had decided to file both the October Quarterly and October Pre-Election together.

On the evening of Wednesday, October 26th following a campaign event, I received a letter (postmarked Friday, October 22, 2010) was notified in this letter sent by the FEC (Attachment 6) of the following:

“YOU WILL BE ALLOWED UNTIL 5:00 PM EST ON THE FOURTH (4TH) BUSINESS DAY FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION... THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION.”

Immediately I rushed home to print out the October Quarterly Report and mailed it the next day (Wednesday, October 27) Overnight USPS at a cost of 18.30 USD (receipt is attachment 7, tracking number EG223539978US). As this was within the 4 business day window from the date of the 10/22/2010 notice and in compliance with the notice, I believed that this action would avoid civil money penalties. On 10/27/2010, I called the FEC, explained I had mailed the form by USPS on 10/14/2010, and informed this FEC official of the tracking number of the 10/27/2010 Overnight USPS letter.

As of the morning of 10/27/2010, the online PDF of the October Quarterly – postmarked 10/14/2010 and received by the FEC on 10/22/2010 -- was not available yet for viewing online, so I had believed the shipment was lost or misplaced. Please note that I was in full and immediate compliance with the FEC on this request.

In summary -

- I have made the best efforts under information provided by the FEC and postmarked the late October Quarterly report on 10/14/2010, before its deadline of 10/15/2010. There was no intention nor any belief that I had filed late based on the information previously received from the FEC.
- To conserve costs and paper, I mailed the October Preelection report on the first available date of 10/14/2010 with the October Quarterly. As explained above, I was incorrectly under the impression with an FEC official (who was otherwise quite helpful) that a postmark before the 10/15/2010 due date was sufficient and therefore did not send Certified or Registered. If I was not under this impression, I would certainly have filed Certified or Registered.
- I was in full and immediate compliance with the 10/22/2010 notice sent by the FEC to resend the October Quarterly and avoid civil money penalties.
- I have no prior violation with the FEC.
- I have proactively taken the corrective action of filing fiscal reports Certified or Registered USPS so that this issue never reoccurs.

In the event that my challenge to the FEC's ruling is unsuccessful, in regards to the USC 111.43 (d)(2) (i), I believe the appropriate level of activity is the total cycle expenditures and contributions summed and divided by the number of filings, which would be (\$45,408+\$51,317) divided by 5 reports, or

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\$19,345. This level of activity would be less than the \$30,345 figure on the report.

In the event the my challenge is unsuccessful, I would appreciate a reduction in the civil money penalty as paying a 505 USD penalty on a report postmarked 1 day prior to the due date (10/14/2010) and failing to understand that the report must be sent USPS Registered or Certified seems excessive, especially considering the FEC informed me that postmarking before the due date was sufficient.

As a candidate and treasurer for a small independent campaign, October was an incredibly busy month. I am not making any excuses, but to run my campaign, I had to give up my professional career to run for the past 2 years for US Congress as I believe our country is in grave fiscal danger. As you could determine from my 2009 and 2010 (filing this week) ethics disclosure financial reports with the US House, I have received no income for the past two years and this civil money penalty may seem small to the FEC, but is a small but fiscally quite size-able cross to bear for myself personally.

In the event this challenge is unsuccessful, I would like to request negotiating a payment plan over the next election cycle so that I do not have to remove funds from my savings, but can instead locate another source of income or work a job in order that I may pay this fine to you.

Please do not hesitate to contact me at [redacted] to discuss any questions in this report. Please remember I have proactively implemented a corrective action of sending all fiscal reports to the FEC per Certified or Registered USPS mail in the future so this filing issue does not reoccur.

Sincerely as a patriotic American, taxpayer, and candidate/treasurer of Towne for Congress,
Jake Towne

Attachments:

- 1 – October Quarterly page 1/48 showing FEC Mail Center time stamp of 10/22/2010 7:23 AM
- 2 – October Pre-Election page 1/10 showing FEC Mail Center time stamp of 10/22/2010 7:23 AM
- 3 – My photograph of the package sent to the FEC, postmarked 10/14/2010
- 4 – October Quarterly page 48/48 showing USPS First Class postmark of 10/14/2010
- 5 – October Pre-Election page 10/10 showing USPS First Class postmark of 10/14/2010
- 6 – 10/22/10 Notice of Late Filing from the FEC
- 7 – Receipt of 10/27/10 Overnight USPS package sent to FEC with tracking number EG223539978US

Attachment #1

FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

RECEIVED
2019 OCT 22 AM 7:23
FEC MAIL CENTER

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

TOWNE FOR CONGRESS

ADDRESS (number and street)

P.O. BOX 22542

Check if different
than previously
reported. (ACC)

LEHIGH VALLEY

PA

18002-

2. FEC IDENTIFICATION NUMBER ▼

C 00464305

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT

☒ NEW
(N) OR

☐ AMENDED
(A)

PA 15

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

- ☐ April 15 Quarterly Report (Q1)
☐ July 15 Quarterly Report (Q2)
☒ October 15 Quarterly Report (Q3)
☐ January 31 Year-End Report (YE)

☐ Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

- ☐ Primary (12P) ☐ General (12G) ☐ Runoff (12R)
☐ Convention (12C) ☐ Special (12S)

Election on

MM DD YYYY

in the
State of

PA

(c) 30-Day POST-Election Report for the:

- ☐ General (30G) ☐ Runoff (30R) ☐ Special (30S)

Election on

MM DD YYYY

in the
State of

PA

5. Covering Period

MM DD YYYY

through

MM DD YYYY

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Jake Towne

Signature of Treasurer

Jake Towne

Date

MM DD YYYY

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2003)

FESAND18

Attachment #2

FEC
FORM 3

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For An Authorized Committee

RECEIVED

2010 OCT 22 AM 7:23

FEC MAIL CENTER
Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

TOWNE FOR CONGRESS

ADDRESS (number and street)

P.O. BOX 22542



Check if different
than previously
reported. (ACC)

LEHIGH VALLEY

PA 18002

2. FEC IDENTIFICATION NUMBER ▼

C00464305

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

PA

15

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

MM DD YYYY

11 02 2010

11 02 2010

In the
State of

PA

(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

MM DD YYYY

11 02 2010

11 02 2010

In the
State of

PA

5. Covering Period

MM DD YYYY

10 01 2010

10 01 2010

through

MM DD YYYY

10 13 2010

10 13 2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jake Towne

Signature of Treasurer

Jake Towne

Date

MM DD YYYY

10 14 2010

10 14 2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2003)

Attachment #3

FCM



NOV 15 2003
10 10 10
10 10 10

USPS® FIRST-CLASS MAIL®

01 135002

EXP
TO:

Federal

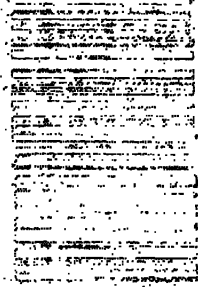
999 E.

WFO

11 13 10

WASHINGTON DC 20543

Postnet barcode



EXP

Attachment #4

Federal Election Commission
ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS
The FEC added this page to the end of this filing to indicate how it was received.

| | |
|--|---|
| <input type="checkbox"/> Hand Delivered | Date of Receipt |
| <input checked="" type="checkbox"/> USPS First Class Mail | Postmarked 10/14/10 |
| <input type="checkbox"/> USPS Registered/Certified | Postmarked (R/C) |
| <input type="checkbox"/> USPS Priority Mail | Postmarked |
| Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/> | |
| <input type="checkbox"/> USPS Express Mail | Postmarked |
| <input type="checkbox"/> Postmark Illegible | |
| <input type="checkbox"/> No Postmark | |
| <input type="checkbox"/> Overnight Delivery Service (Specify): | Shipping Date |
| | Next Business Day Delivery <input type="checkbox"/> |
| <input type="checkbox"/> Received from House Records & Registration Office | Date of Receipt |
| <input type="checkbox"/> Received from Senate Public Records Office | Date of Receipt |
| <input type="checkbox"/> Received from Electronic Filing Office | Date of Receipt |
| <input type="checkbox"/> Other (Specify): | Date of Receipt or Postmarked |
| ED | 10/22/10 |
| PREPARER | DATE PREPARED |

(3/2005)

100904624853

Attachment #5

10000253154

| Federal Election Commission ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS The FEC added this page to the end of this filing to indicate how it was received. | |
|---|-------------------------------|
| <input type="checkbox"/> Hand Delivered | Date of Receipt |
| <input checked="" type="checkbox"/> USPS First Class Mail | Postmarked 10/14/10 |
| <input type="checkbox"/> USPS Registered/Certified | Postmarked (R/C) |
| <input type="checkbox"/> USPS Priority Mail | Postmarked |
| Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/> | |
| <input type="checkbox"/> USPS Express Mail | Postmarked |
| <input type="checkbox"/> Postmark Illegible | |
| <input type="checkbox"/> No Postmark | |
| <input type="checkbox"/> Overnight Delivery Service (Specify): | Shipping Date |
| Next Business Day Delivery <input type="checkbox"/> | |
| <input type="checkbox"/> Received from House Records & Registration Office | Date of Receipt |
| <input type="checkbox"/> Received from Senate Public Records Office | Date of Receipt |
| <input type="checkbox"/> Received from Electronic Filing Office | Date of Receipt |
| <input type="checkbox"/> Other (Specify): | Date of Receipt or Postmarked |
| ED | 10/22/10 |
| PREPARER | DATE PREPARED |

(3/2005)

Attachment #6



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 2010

RQ-7

JAKE TOWNE, TREASURER
TOWNE FOR CONGRESS
PO BOX 22542
LEHIGH VALLEY, PA 18002

IDENTIFICATION NUMBER: C00464305

REFERENCE: OCTOBER QUARTERLY REPORT 7/1/2010 - 9/30/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED UNTIL 5:00 PM EST ON THE FOURTH (4th) BUSINESS DAY FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION. IF YOU HAVE ALREADY FILED THE REPORT BY EXPRESS, CERTIFIED OR REGISTERED MAIL OR ARE PLANNING TO FILE IT WITHIN FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR EXPRESS TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN ADULT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800)424-9530. OUR LOCAL NUMBER IS (202)694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

59561070001

A Hachm... it
#7

7

SECRET

1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 26

1. *Staphylococcus aureus*

[illegible]

2000

6. *Staphylococcus aureus* - 4.5%

• • • • •

2017-2018

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

Fig. 1. ΔT vs. ΔT_0 .

பெரிய அளவுக்கு உயர்ந்திருக்கிறது. இதுவே உலக அளவில் மிக உயர்ந்த அளவு.

1. The first step is to identify the problem or question that needs to be answered. This involves understanding the context and the specific requirements of the task.

10. The following table shows the number of people who attended the 2008 Summer Olympics in Beijing, China. The number of people who attended the 2008 Summer Olympics in Beijing, China, was 1.1 million people.

1. *Chlorophyll a* (Chl *a*)

1990



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

January 19, 2011

Jake Towne, in his official capacity as Treasurer
Towne for Congress
P.O. Box 22542
Lehigh Valley, PA 18002

C00464305
AF#: 2209

Dear Mr. Towne:

On January 19, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092654657

**FEC OFFICE OF
ADMIN REVIEW**

2011 JAN 20 A 11: 50

Date: January 19, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2209

Committee Name: Towne for Congress

Committee ID#: C00464305

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated December 10, 2010 and RTB
Certification, dated December 15, 2010 (Y/N): Y**

Attachment #: 1

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 2

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 October Quarterly Report Prior Notice, dated September 21, 2010.

-Non-Filer Notice, dated October 22, 2010.

-RTB Letter, dated December 21, 2010.

Attachment #: 4

Other RAD Information: (Y/N): Y

Attachment#: 5

11092654658



Delivery Notification

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1Z WF5 860 A2 9453 697 0
Reference Number(s): RAD
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Shipped/Billed On: 01/05/2011
Delivered On: 01/06/2011 8:51 A.M.
Delivered To: 522 GEORGETOWN RD
NAZARETH, PA, US 18064
Signed By: TOWNE
Location: RESIDENTIAL

Thank you for giving us this opportunity to serve you.

Sincerely,
UPS

Tracking results provided by UPS: 01/06/2011 11:33 A.M. ET

Attachment 2

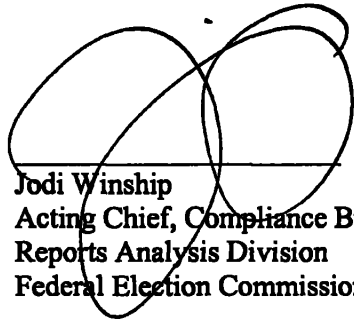
11092654659

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Towne for Congress:
 - A) Prior Notice, dated September 21, 2010, referencing the 2010 October Quarterly Report (sent via electronic mail to: TOWNEFORCONGRESS@GMAIL.COM);
 - B) Non-Filer Letter, dated October 22, 2010, referencing the 2010 October Quarterly Report;
 - C) Reason-to-Believe Letter, dated December 21, 2010, referencing the 2010 October Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Towne for Congress filed the 2010 October Quarterly Report with the Commission on October 22, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telegrams for the matter have been provided. This declaration was executed at Washington, D.C. on the 19th day of January, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

September 21, 2010

CURRENT REPORT DUE

| REPORT | CLOSING BOOKS | REC/CERT & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|-------------------|---------------|---------------------------------------|-----------------|
| October Quarterly | 09/30/10 | 10/15/10 | 10/15/10 |

REPORTING SCHEDULE FOR REMAINDER OF 2010

| REPORT | CLOSING BOOKS | REC/CERT & OVERNIGHT MAILING DEADLINE | FILING DEADLINE |
|--------------------------|---------------|---------------------------------------|-----------------|
| Pre-General ² | 10/13/10 | 10/18/10 | 10/21/10 |
| Post-General | 11/22/10 | 12/02/10 | 12/02/10 |
| Year-End | 12/31/10 | 01/31/11 | 01/31/11 |

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Parties and PACs: required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The *Record*: January 2010 issue [PDF]
- *Candidate Guide*, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically MUST submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice).

See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 22, 2010

RQ-7

JAKE TOWNE, TREASURER
TOWNE FOR CONGRESS
PO BOX 22542
LEWISTON VALLEY, PA 18002

IDENTIFICATION NUMBER: C00464305

REFERENCE: OCTOBER QUARTERLY REPORT 7/1/2010 - 9/30/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED UNTIL 5:00 PM EST ON THE FOURTH (4th) BUSINESS DAY FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION. IF YOU HAVE ALREADY FILED THE REPORT BY EXPRESS, CERTIFIED OR REGISTERED MAIL OR ARE PLANNING TO FILE IT WITHIN FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR EXPRESS TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800) 424-9530. OUR LOCAL NUMBER IS (202) 694-1130.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

Attachment 4

7
10/26/2010 2:48:56 PM



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

MAR 15 P 1:23

SENSITIVE

March 15, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2209 – Towne for Congress
and Jake Towne, in his official capacity as Treasurer (C00464305)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

11092654668



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

March 15, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2209 – Towne for Congress and Jake Towne, in his official capacity as Treasurer
(C00464305)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$505 civil money penalty.

Reason-to-Believe Background

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report, an election sensitive report, and made a preliminary determination that the civil money penalty was \$505, based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 21, 2010, of the Commission's RTB finding and civil money penalty. The letter, sent to the address of record, was returned to the Commission on January 3, 2011; however, the copy of the letter sent to the alternate address listed on the Statement of Candidacy, was received on January 6, 2011.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). October Quarterly Reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or by an overnight delivery service with an on-line tracking system and scheduled for next business day delivery must be postmarked or deposited with the mailing service no later than October 15 to be timely filed. Reports sent by first class mail must be received by the close of business on the filing date to be timely filed. 2 U.S.C. § 434(a)(5), and 11 C.F.R. §§ 100.19(b) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On January 13, 2011, the Commission received the written response ("challenge") from Jake Towne who is both the Treasurer and Candidate. He is challenging the RTB finding and penalty and says he used best efforts to file timely. To conserve paper and money, he sent the October Quarterly and 12 Day Pre-General Reports together. He mailed them on October 14 using first class mail. He thought this was acceptable since Commission staff told him in 2009 that a report postmarked by the due date is considered filed on time. When he spoke to the RAD

Analyst on October 26 about the Non-Filer Letter, he learned that he should have used registered or certified mail to file the report. Had he known about this requirement sooner, he would have certainly spent an extra \$2.00 to send the report by registered or certified mail. He also questions how the fine was calculated and thinks the level of activity should be \$19,345, not the \$30,345 cited in the RTB letter.

He notes that they fully complied with RAD's Non-Filer Letter, have no prior violations and have taken corrective action to ensure this does not happen again. He cannot afford to pay the penalty and requests a payment plan if the fine is upheld. Included with the challenge are copies of Page 1 and the Envelope Replacement Page for the October Quarterly and 12 Day Pre-General Reports from the FEC website; first class mail postage label dated 10/14/10; Notice of Late Filing Letter dated 10/22/10; and an Express Mail label dated 10/27/10.

Analysis

The October Quarterly Report was received on October 22, 2010, 7 days late.

The Treasurer claims a Commission employee told him that a report postmarked by the due date is timely filed, however, he does not identify the staff person or pinpoint when the discussion occurred, only that it took place in 2009. Based on this conversation, the Treasurer thought he was in compliance when he sent the report via first class mail on October 14. According to the RAD telcoms (written records of telephone conversations), there were no contacts with the Treasurer in 2009. Rather, his first contact with RAD occurred in late October 2010. During the October 26, 2010 call, the Analyst told him the first class mail postmark was not sufficient. If he knew this earlier, he says he would have sent the report via certified or registered mail.

Commission records, however, show that the Treasurer was advised of the filing requirements more than three weeks before the report was due. On September 21, 2010, the October Quarterly Report Notice, which includes a section detailing the various methods for filing reports, was sent via email to TOWNEFORCONGRESS@GMAIL.COM., the email address disclosed on their Statement of Organization. The "Supplemental Filing Information for Congressional Committees" page of the notice included a section entitled "Paper Filing - Meeting the Filing Deadline" which instructed filers to "See 11 CFR 104.5(e)" and provided a link to the regulation which detailed what constituted the timely filing of a paper report.

The report was mailed on October 14. If the Treasurer had sent the report on that same day using any of the 2 U.S.C. § 434(a)(5) "safe harbor" options, such as certified or registered mail, Priority or Express Mail with delivery confirmation, or overnight delivery service with an on-line tracking system and scheduled for next business day delivery, it would have been timely filed. Instead, he sent the report by first class mail. As a result, the report is considered filed on the day it was received, October 22.

The Treasurer believes the fine is inappropriate since he complied with RAD's Non-Filer Letter. While the respondents avoided publication as a non-filer, compliance with the letter does

not prevent the assessment of a fine. The letter clearly states that the penalty calculation for late reports does not include a grace period and begins on the day after the report's due date.

With respect to the fine calculation, there are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of the report, the number of prior violations, the number of days late, and the level of activity on the late report. The respondents have no prior violations. The October Quarterly Report is an election sensitive report and was filed 7 days late. The administrative fine regulations define the level of activity for an authorized committee as total receipts plus total disbursements for the late filed report. 11 C.F.R. § 111.43(d)(3)(i). The October Quarterly Report discloses \$12,181 in receipts and \$18,254 in disbursements, resulting in an actual level of activity of \$30,435. Using the schedule of penalties at 11 C.F.R. § 111.43(a) and the level of activity bracket of \$25,000 - \$49,999.99, the civil money penalty is $[\$330 + (\$25 \times 7)] \times [1 + (.25 \times 0)]$ or \$505. Thus, the penalty amount cited in the RTB letter was calculated correctly.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Administrative Fine regulations specifically state that negligence and the treasurer's inexperience do not constitute reasonably unforeseen circumstances. 11 C.F.R. § 111.35(d). While the Reviewing Officer is both appreciative of and sympathetic to the other issues raised in the challenge (they have taken corrective action, they have no prior violations, and the Treasurer cannot afford to pay the fine) also do not fall within the list of grounds for challenging enumerated at 11 C.F.R. § 111.35(h).

Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$505.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2209 involving Towne for Congress and Jake Towne, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2209 that Towne for Congress and Jake Towne, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$505; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

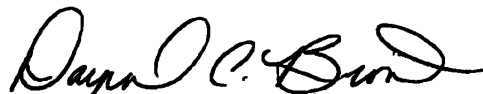
Attachments

Attachment 1 – Challenge Received from Respondents
Attachment 2 – Declaration from RAD,

Attachment 3 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 October Quarterly Report is due October 15, 2010. If sent by first class mail, it must be received by October 15 to be timely filed.
3. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter they receive or any questions relating to administrative fine regulations, including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
 - (a) Page 1 of the Statement of Organization filed by Towne for Congress and Jake Towne, in his official capacity as Treasurer. According to the Commission's records, the document is dated July 16, 2009, was received July 22, 2009, and lists "TOWNEFORCONGRESS@GMAIL.COM" as the Committee's email address; and
 - (b) Page 1 of the Summary Page, Page 4 of the Detailed Summary Page, and the Envelope Replacement Page for the 2010 October Quarterly Report filed via first class mail by Towne for Congress and Jake Towne, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from July 1 through September 30, 2010, was sent October 14, 2010, and was received October 22, 2010. For this period, Lines 24 and 26 list \$12,181.01 in total receipts and \$18,254.37 in total disbursements, respectively.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 15th of March, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092654672

RECEIVED
FEC MAIL CENTER
2009 JUL 22 AM 9:45

FEC
FORM 1

STATEMENT OF
ORGANIZATION

Office Use Only

1. NAME OF
COMMITTEE (In full)

☐ (Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

Towne For Congress

ADDRESS (number and street)

P.O. BOX 22542

☐ (Check if address
is changed)

LEHIGH VALLEY

PA

18002

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

☐ (Check if address
is changed)

TOWNEFORCONGRESS@GMAIL.COM

COMMITTEE'S WEB PAGE ADDRESS (URL)

☐ (Check if address
is changed)

TOWNEFORCONGRESS.COM

2. DATE

07/16/2009

3. FEC IDENTIFICATION NUMBER

C

4. IS THIS STATEMENT

☒

NEW (N)

OR

☐

AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jake Towne

Signature of Treasurer

Jake Towne

Date

07/16/2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office
Use
Only

For further information contact:
Federal Election Commission
Toll Free 800-424-9530
Local 202-694-1100

FEC FORM 1
(Revised 02/2009)

11092654673

29030124254

FEC
FORM 3

REPORT OF RECEIPTS
AND DISBURSEMENTS
For An Authorized Committee

RECEIVED

2019 OCT 22 AM 7:23
FEC MAIL CENTER

Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

TOWNE FOR CONGRESS

ADDRESS (number and street)

P.O. BOX 22542

Check if different
than previously
reported. (ACC)

LEHIGH VALLEY

PA

18002-

2. FEC IDENTIFICATION NUMBER ▼

C 00464305

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

PA

15

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

(b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on



In the
State of



(c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on



In the
State of



5. Covering Period



through



I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Jake Towne

Signature of Treasurer

Jake Towne

Date



NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3
(Revised 02/2003)

FESAND18

11092654674

10030472059

DETAILED SUMMARY PAGE
of Disbursements

FEC Form 3 (Revised 02/2003)

Page 4

II. DISBURSEMENTS

COLUMN A
Total This Period

COLUMN B
Election Cycle-to-Date

17. OPERATING EXPENDITURES.....

18,254.37

45,407.85

18. TRANSFERS TO OTHER
AUTHORIZED COMMITTEES

0

0

19. LOAN REPAYMENTS:

(a) Of Loans Made or Guaranteed
by the Candidate

0

0

(b) Of All Other Loans

0

0

(c) TOTAL LOAN REPAYMENTS
(add Lines 19(a) and (b))

0

0

20. REFUNDS OF CONTRIBUTIONS TO:

(a) Individuals/Persons Other
Than Political Committees

0

0

(b) Political Party Committees

0

0

(c) Other Political Committees
(such as PACs)

0

0

(d) TOTAL CONTRIBUTION REFUNDS
(add Lines 20(a), (b), and (c))

0

0

21. OTHER DISBURSEMENTS

0

0

22. TOTAL DISBURSEMENTS

(add Lines 17, 18, 19(c), 20(d), and 21) ▶

18,254.37

45,407.85

III. CASH SUMMARY

23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD

11,982.48

24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page 3)

12,181.01

25. SUBTOTAL (add Line 23 and Line 24)

24,163.49

26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)

18,254.37

27. CASH ON HAND AT CLOSE OF REPORTING PERIOD

(subtract Line 26 from Line 25)

5,909.12

11092654675
10030472062

11092654676
10030472106

| Federal Election Commission ENVELOPE REPLACEMENT PAGE FOR INCOMING DOCUMENTS The FEC added this page to the end of this filing to indicate how it was received. | |
|---|-------------------------------|
| <input type="checkbox"/> Hand Delivered | Date of Receipt |
| <input checked="" type="checkbox"/> USPS First Class Mail | Postmarked 10/14/10 |
| <input type="checkbox"/> USPS Registered/Certified | Postmarked (R/C) |
| <input type="checkbox"/> USPS Priority Mail | Postmarked |
| Delivery Confirmation™ or Signature Confirmation™ Label <input type="checkbox"/> | |
| <input type="checkbox"/> USPS Express Mail | Postmarked |
| <input type="checkbox"/> Postmark Illegible | |
| <input type="checkbox"/> No Postmark | |
| <input type="checkbox"/> Overnight Delivery Service (Specify): | Shipping Date |
| Next Business Day Delivery <input type="checkbox"/> | |
| <input type="checkbox"/> Received from House Records & Registration Office | Date of Receipt |
| <input type="checkbox"/> Received from Senate Public Records Office | Date of Receipt |
| <input type="checkbox"/> Received from Electronic Filing Office | Date of Receipt |
| <input type="checkbox"/> Other (Specify): | Date of Receipt or Postmarked |
| ED | 10/22/10 |
| PREPARER | DATE PREPARED |

(3/2005)



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

March 16, 2011

Jake Towne, in his official capacity as Treasurer
Towne for Congress
P.O. Box 22542
Lehigh Valley, PA 18002

C00464305
AF# 2209

Dear Mr. Towne:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Towne for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$505 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-288-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment
cc: 522 Georgetown Road
Nazareth, PA 18064-9619

11092654677

March 25, 2011

RECEIVED
FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 MAR 31 P 2:16

To:
Commission Secretary
Federal Election Commission
999 E Street, NW
Washington, DC 20463

C00464305
Ref. AF#: 2209

Dear Commission Secretary -

I personally received the written response from the FEC dated 3-16-2011 yesterday, 3-24-2011, and would like to respond to the Office of Administrative Review's finding. Per the stipulations in the letter, I am not permitted to raise any new arguments not raised in the original written response, so please access the previously sent material.

As a short summary, the OAR recommends a fine of \$505 for a quarterly report due or sent registered/certified mail by October 15. I had purposefully sent the quarterly report combined with the pre-election report on October 14 in order to save on mailing costs. The reports were sent USPS First Class and received October 22 by the FEC. I had been under the impression per a phone call to the FEC sometime in 2009 that USPS First Class postmarked by the due date was sufficient. If I had not been misinformed, I would have spent a few dollars to send all reports registered/certified mail, and the fine would not have been assessed.

In FEC OAR correspondence on 3/16/2011, it is stated that: "According to the RAD transcripts (written records of telephone conversations), there were no contacts with the treasurer in 2009. Rather, his first contact with RAD occurred in late October 2010."

This is incorrect. I had contacted the FEC multiple times during 2009 and in 2010 prior to October to ask questions regarding filing with the FEC, and request the Candidate's Guide. Since I was running for the first time with no party affiliation, I needed assistance from the FEC - which I will add was always quite helpful. The conversation where I was told simply having a postmark on the filing by the due date is not a figment of my imagination, and my past filing record can be checked to confirm that I always sent reports USPS First Class since I was under this impression. For whatever reasons, the FEC's phone logging records are inaccurate.

In the event this challenge is unsuccessful, I would like to request a payment plan over the next election cycle, or as much time as possible to locate a source of income in order that I may successfully pay this fine.

Please do not hesitate to contact me at [redacted] with any questions. Also, I last wrote that I had proactively implemented a corrective action of sending all reports to the FEC per Certified or Registered USPS mail in the future so this filing issue does not reoccur, but this corrective action has now been changed to submitting all future reports electronically.

Sincerely,
Jake Towne, Candidate/Treasurer, Towne for Congress

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 APR -8 P 2:33

April 8, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Falmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2209 – Towne for Congress and Jake Towne, in his official capacity as Treasurer (C00464305)

On December 15, 2010, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$505 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 13, 2011, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation (“ROR”) dated March 15, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$505 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On March 31, 2011, the Commission received the written response from the Treasurer, which reiterates the two main points raised in the challenge and addressed in the ROR:

1. The October Quarterly Report was mailed with the 12 Day Pre-General Report, via first class mail, to save on mailing costs; and
2. He was advised in a phone call to the Commission sometime in 2009, that a United States Postal Service First Class postmark by the report’s due date was sufficient.

In his response to the ROR, the Treasurer, who is also the Candidate, states that as a first time Candidate, he spoke with the Commission multiple times during 2009 and 2010 with filing questions

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and to request a Candidate Guide. As discussed in the ROR, there were no contacts between the Reports Analysis Division ("RAD") and the Treasurer in 2009. Rather, his first contact with RAD occurred in late October 2010. It is, however, the practice of the Commission's Information Division to send Campaign Guides to treasurers of political committees at their address of record; therefore, it is possible that the 2009 and 2010 conversations the Treasurer referenced took place with the Information Division, which is extremely knowledgeable of committee filing requirements, mailing options, and the corresponding receipt dates. It is this Division's practice not to keep formal records of telephone conversations so that callers feel free to ask questions. Whereas the Commission has no record of having advised the Treasurer that a report mailed via first class mail would be considered filed on the postmark date, such advice would not supersede regulatory requirements.

The regulations are clear that only reports sent by certified or registered mail, Priority or Express Mail with delivery confirmation, or overnight delivery service with an on-line tracking system and scheduled for next business day delivery will be considered filed on the postmark date. Reports sent by first class mail must be received by the filing deadline to be timely filed. 11 C.F.R. § 104.5(e). This information was provided to the respondents in the September 21, 2010 Report Notice sent to them referencing the October Quarterly Report, a copy of which was provided in the ROR.

The respondents' mailed the October Quarterly Report on October 14, via first class mail, and the report was received at the Commission on October 22, 7 days late.

With the respect to the Treasurer's request for a payment plan in the event that the challenge is unsuccessful, the administrative fine regulations do not provide for payment plans as it relates to the civil money penalty; instead, the regulations at 11 C.F.R. § 111.39 state that the respondents must remit payment of the civil money penalty within 30 days of receipt of the Commission's final determination.

The other issues raised in the response (the respondents' having filed all prior reports via first class mail and plan to submit future reports electronically) do not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$505.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2209 involving Towne for Congress and Jake Towne, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2209 that Towne for Congress and Jake Towne, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$505; and
- (3) Send the appropriate letter.

Attachment

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2209
Towne for Congress and Jake Towne, in)
his official capacity as Treasurer)
(C00464305))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 21, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2209:

1. Adopt the Reviewing Officer recommendation for AF# 2209 involving Towne for Congress and Jake Towne, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2209 that Towne for Congress and Jake Towne, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, assess a civil money penalty of \$505.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 21, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 28, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Jake Towne, in his official capacity as Treasurer
Towne for Congress
P.O. Box 22542
Lehigh Valley, PA 18002

C00464305
AF# 2209

Dear Mr. Towne:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Towne for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$505 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 13, 2011, the Office of Administrative Review received your written response, challenging the RTB finding and penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Towne for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$505 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on March 16, 2011.

On April 21, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Towne for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$505. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final

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determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$505 for the 2010 October Quarterly Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Towne for Congress

FEC ID#: C00464305

AF#: 2209

PAYMENT AMOUNT DUE: \$505

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FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2209

DATE SCANNED 7-5-11

SCANNER NO. 2

SCAN OPERATOR ImH

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